

# **EXHIBIT A**

Todd M. Friedman, Esq.- State Bar #310961  
ATTORNEY FOR PLAINTIFF  
Cynthia J. Levin, Esq. - State Bar #27050  
ATTORNEY FOR PLAINTIFF  
Law Offices of Todd M. Friedman, PC  
1150 First Avenue, Ste 501  
King of Prussia, PA 19406  
888-595-9111 ext. 618

14510  
2013

IN THE COURT OF COMMON PLEAS OF LUZERNE COUNTY  
CIVIL DIVISION

---

Patti Duksta	:	
609 W. Diamond Ave.	:	
Hazleton, PA 18201	:	No.
vs.	:	
GE Capital Retail Bank	:	FORM OF ACTION:
950 Forrer Blvd.	:	CIVIL COMPLAINT
Kettering, OH 45420	:	

---

NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages you must take action within twenty (20) days after this complaint and notice are served by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE GO TO OR TELEPHONE THE OFFICES SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

PROTHONOTARY  
LUZERNE COUNTY  
FILED  
103 DEC 2013  
15

Luzerne County Bar Association  
200 North River Street  
Wilkes-Barre, PA 18711  
Phone (570) 822-6712  
[www.luzernecountybar.org](http://www.luzernecountybar.org)  
PA Bar Association: [www.pabar.org](http://www.pabar.org)

Todd M. Friedman, Esq.- State Bar #216752  
ATTORNEY FOR PLAINTIFF  
Cynthia J. Levin, Esq. – State Bar #27050  
ATTORNEY FOR PLAINTIFF  
Law Offices of Todd M. Friedman, PC  
1150 First Avenue, Ste 501  
King of Prussia, PA 19406  
888-595-9111 ext. 618

MAJOR JURY CASE

---

Patti Duksta	:	
609 W. Diamond Ave.	:	
Hazelton, PA 18201	:	No.
	:	
vs.	:	
	:	FORM OF ACTION:
GE Capital Retail Bank.	:	COMPLAINT
950 Forrer Blvd.	:	
Kettering, OH 45420	:	

---

COMPLAINT

1. Plaintiff, Pattie Duksta (hereinafter referred to as "Plaintiff"), is an adult individual citizen and legal resident of the Commonwealth of Pennsylvania, residing at 609 W. Diamond Ave., Hazelton, Pennsylvania, 18201.

2. Defendant, GE Capital Retail Bank (hereinafter referred to as "Defendant"), is a corporation that is qualified to and regularly conducts business in the Commonwealth of Pennsylvania.

3. Defendant maintains its legal residence and principal place of business at 950 Forrer Blvd. in Kettering, Ohio, and can be served at that address.

BACKGROUND

4. At various and multiple times prior to the filing of the instant complaint, including within the one year preceding the filing of this complaint, Defendant contacted Plaintiff in an attempt to collect an alleged outstanding debt owed.

FILED  
PROTHONOTARY  
OF  
LUZERNE COUNTY  
13 DEC 2013 AM 10:17

5. On or around the beginning of 2013, Defendant used an "automatic telephone dialing system", as defined by 47 U.S.C. § 227(a)(1), to place its repeated collection calls to Plaintiffs seeking to collect the debt allegedly owed.

6. Defendant's calls constituted calls that were not for emergency purposes as defined by 47 U.S.C. § 227(b)(1)(A).

7. Defendant's calls were placed to telephone number assigned to a cellular telephone service for which Plaintiffs incur a charge for incoming calls pursuant to 47 U.S.C. §227(b)(1).

8. Defendant attempted to solicit payment from Plaintiff.

9. Plaintiff informed Defendant that the balance had already been paid and to cease contacting her for payment. Notwithstanding this information, Defendant still sought payment from Plaintiff.

10. Defendant made representations to Plaintiff that legal action would be taken if she did not pay the alleged debt in question.

COUNT I  
VIOLATION OF THE TELEPHONE CONSUMER PROTECTION ACT

11. Plaintiff hereby incorporates all facts and allegations set forth in this Complaint by reference as if fully set forth at length herein.

12. The foregoing acts and omissions of Defendant constitute numerous and multiple negligent violations of the TCPA, including but not limited to each and every one of the above cited provisions of 47 U.S.C. § 227 *et seq.*

13. As a result of Defendant's negligent violations of 47 U.S.C. § 227 *et seq.*, Plaintiff is entitled to an award of \$500.00 in statutory damages, for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B).

14. The foregoing acts and omissions of Defendant constitute numerous and multiple knowing and/or willful violations of the TCPA, including but not limited to each and every one of the above cited provisions of *47 U.S.C. § 227 et seq.*

15. As a result of Defendant's knowing and/or willful violations of *47 U.S.C. § 227 et seq.*, Plaintiff is entitled an award of \$1,500.00 in statutory damages, for each and every violation, pursuant to *47 U.S.C. § 227(b)(3)(B)* and *47 U.S.C. § 227(b)(3)(C)*.

16. Plaintiff is entitled to and seeks injunctive relief prohibiting such conduct in the future.

#### PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. As a result of Defendant's negligent violations of *47 U.S.C. §227(b)(1)*, Plaintiff is entitled to and request \$500 in statutory damages, for each and every violation, pursuant to *47 U.S.C. 227(b)(3)(B)*;
- B. As a result of Defendant's willful and/or knowing violations of *47 U.S.C. §227(b)(1)*, Plaintiff is entitled to and requests treble damages, as provided by statute, up to \$1,500, for each and every violation, pursuant to *47 U.S.C. §227(b)(3)(B)* and *47 U.S.C. §227(b)(3)(C)* and
- C. Any and all other relief that the Court deems just and proper.

#### PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY

17. Respectfully submitted this 17<sup>th</sup> day of December, 2013.

LAW OFFICES OF TODD M. FRIEDMAN, PC

By:

Todd M. Friedman, Esq. - State Bar #216752  
ATTORNEY FOR PLAINTIFF  
Cynthia J. Levin, Esq. - State Bar #27050

## Supreme Court of Pennsylvania

Court of Common Pleas  
Civil Cover Sheet  
Luzerne County

For Prothonotary Use Only:	TIME STAMP 14510-2017
Docket No:	

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

## Commencement of Action:

Complaint  Writ of Summons  
 Transfer from Another Jurisdiction

Petition  
 Declaration of Taking

Lead Plaintiff's Name:  
Patti Duksta

Lead Defendant's Name:  
GE Capital Bank

Are money damages requested?  Yes  No

Dollar Amount Requested:  
(check one)  within arbitration limits  
 outside arbitration limits

Is this a *Class Action Suit*?

Yes  No

Is this an *MDJ Appeal*?  Yes  No

Name of Plaintiff/Appellant's Attorney: Todd M. Friedman, Esq. (216752)

Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

**Nature of the Case:** Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

## TORT (do not include Mass Tort)

Intentional  
 Malicious Prosecution  
 Motor Vehicle  
 Nuisance  
 Premises Liability  
 Product Liability (does not include mass tort)  
 Slander/Libel/ Defamation  
 Other:  
  
\_\_\_\_\_  
\_\_\_\_\_

## CONTRACT (do not include Judgments)

Buyer Plaintiff  
 Debt Collection: Credit Card  
 Debt Collection: Other  
  
\_\_\_\_\_  
\_\_\_\_\_

Employment Dispute:  
Discrimination  
 Employment Dispute: Other  
  
\_\_\_\_\_  
\_\_\_\_\_

Other:  
  
\_\_\_\_\_  
\_\_\_\_\_

## CIVIL APPEALS

Administrative Agencies  
 Board of Assessment  
 Board of Elections  
 Dept. of Transportation  
 Statutory Appeal: Other  
  
\_\_\_\_\_  
\_\_\_\_\_

Zoning Board  
 Other:  
  
\_\_\_\_\_  
\_\_\_\_\_

## MASS TORT

Asbestos  
 Tobacco  
 Toxic Tort - DES  
 Toxic Tort - Implant  
 Toxic Waste  
 Other:  
  
\_\_\_\_\_  
\_\_\_\_\_

## REAL PROPERTY

Ejectment  
 Eminent Domain/Condemnation  
 Ground Rent  
 Landlord/Tenant Dispute  
 Mortgage Foreclosure: Residential  
 Mortgage Foreclosure: Commercial  
 Partition  
 Quiet Title  
 Other:  
  
\_\_\_\_\_  
\_\_\_\_\_

## MISCELLANEOUS

Common Law/Statutory Arbitration  
 Declaratory Judgment  
 Mandamus  
 Non-Domestic Relations  
Restraining Order  
 Quo Warranto  
 Replevin  
 Other:  
  
\_\_\_\_\_  
\_\_\_\_\_

## PROFESSIONAL LIABILITY

Dental  
 Legal  
 Medical  
 Other Professional:  
  
\_\_\_\_\_  
\_\_\_\_\_

PROTHONOTARY  
LUCERNE COUNTY  
TIME STAMP  
14510-2017

## NOTICE

Pennsylvania Rule of Civil Procedure 205.5. (Cover Sheet) provides, in part:

### Rule 205.5. Cover Sheet

(a)(1) This rule shall apply to all actions governed by the rules of civil procedure except the following:

- (i) actions pursuant to the Protection from Abuse Act, Rules 1901 et seq.
- (ii) actions for support, Rules 1910.1 et seq.
- (iii) actions for custody, partial custody and visitation of minor children, Rules 1915.1 et seq.
- (iv) actions for divorce or annulment of marriage, Rules 1920.1 et seq.
- (v) actions in domestic relations generally, including paternity actions, Rules 1930.1 et seq.
- (vi) voluntary mediation in custody actions, Rules 1940.1 et seq.

(2) At the commencement of any action, the party initiating the action shall complete the cover sheet set forth in subdivision (e) and file it with the prothonotary.

(b) The prothonotary shall not accept a filing commencing an action without a completed cover sheet.

(c) The prothonotary shall assist a party appearing pro se in the completion of the form.

(d) A judicial district which has implemented an electronic filing system pursuant to Rule 205.4 and has promulgated those procedures pursuant to Rule 239.9 shall be exempt from the provisions of this rule.

(e) The Court Administrator of Pennsylvania, in conjunction with the Civil Procedural Rules Committee, shall design and publish the cover sheet. The latest version of the form shall be published on the website of the Administrative Office of Pennsylvania Courts at [www.pacourts.us](http://www.pacourts.us).